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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,309	02/02/2001	Peter S. Tevlin	1662-33400JMH (P00-3376)	9339
23505	7590	07/06/2004	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			JAMAL, ALEXANDER	
			ART UNIT	PAPER NUMBER
			2643	2

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/776,309

**Applicant(s)**

TEVLIN, PETER S.

**Examiner**

Alexander Jamal

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-16** rejected under 35 U.S.C. 103(a) as being unpatentable over Isensee et al. (5815153), and further in view of Arzoumanian (5963637).

As per **claim 1**, Isensee discloses a telephone dialing system comprising a computer system (Col 3 line 25 to Col 4 line 25) with an input and display that allow the user to select a sequence of numbers displayed on the device (Col 9 lines 5-34, Col 11 lines 30-40). The system further comprises a speaker 28 (Fig. 1). However, Isensee does not disclose that the speaker generates DTMF tones and that the user places the speaker near a DTMF receiver to make a telephone call.

Arzoumanian teaches a computer system (ABSTRACT) that dials a telephone number by placing a DTMF generating speaker near another telephone handset (a DTMF receiver) in order to make a telephone call (Col 1 line 65 to Col 2 line 35). He teaches that the acoustic dialer may reduce the complexity of manually dialing a number from a public or hotel phone (Col 1 lines 15-53). It would have been obvious to one of ordinary skill in the art at the time of this application to implement an acoustic dialing method in

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Isenee's system for the purpose of allowing the device to reduce the complexity of dialing a public phone.

As per **claim 9**, claim rejected as the system of the rejection of claim 1 would perform the method in claim 9. Additionally, once the dialer has acoustically dialed into a public phone system, the caller would conduct the telephone conversation using the audio receiver (public phone).

As per **claim 16**, claim rejected for the same reasons as claims 1 and 9.

As per **claim 2**, Once the dialer system of Isenee in view of Arzoumanian has acoustically dialed into a public phone system, the caller would conduct the telephone conversation using the audio receiver (public phone).

As per **claims 3,4,10,11**, the dialer system would inherently include the hardware (comprising a sound board, encoder/decoder, and amplifier coupled to a speaker) for the purpose of generating the DTMF tones.

As per **claims 5,6,7,12,13,14**, Isenee's dialer comprises the use of a mouse or keyboard to select telephone numbers (Col 12 lines 49-67).

As per **claims 8,15**, Arzoumanian discloses the feature of the dialer recognizing the telephone number as requiring long distance and inserting the appropriate additional tones and pauses to the dialed number (Col 2 lines 1-35).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 703-305-3433. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 703-305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9315 for After Final communications.

AJ  
June 7, 2004

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600